

REMARKS

Applicant, by the amendments presented above and the arguments presented below, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 1-31 are currently pending. Claims 21-31 are newly added.

Claim Rejections – 35 U.S.C. §103

Claims 1-3 and 13-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4,940,279 to Abbott et al. In view of the amendments made to independent claim 1 and dependent claims 2 and 3, Applicant respectfully traverses this rejection.

First of all, Applicant notes that the Examiner cites member (75) of Abbott et al. to be the equivalent of the bottom rail claimed in independent claim 1. Applicant, however, states that member (75) should not be considered to be the equivalent of the bottom rail claimed in independent claim 1 because member (75) is not actually a part of the sidewall of the trailer in Abbott et al.; member (75) does not form any portion of the sidewall of the trailer in Abbott et al., but rather appears to form a portion of the bottom wall or floor in Abbott et al.

Regardless of the foregoing, Applicant has amended independent claim 1 to require that the lower portion of the baserail be secured to the upper portion of the bottom rail and that the upper portion of the baserail be secured to the lower portion of the at least one panel such that the baserail vertically separates the at least one panel from the bottom rail and such that the baserail is positioned generally vertically between the at least one panel and the bottom rail.

Serial No.: 10/762,738
Art Unit: 3612

It is clear from Abbott et al. that a lower portion of the baserail (70 – as identified by the Examiner) is not secured to an upper portion of the bottom rail (75 – as identified by the Examiner), and that the upper portion of the baserail (70) is not secured to a lower portion of the at least one panel (11), such that the baserail (70) vertically separates the at least one panel (11) from the bottom rail (75), and such that the baserail (70) is positioned generally vertically between the at least one panel (11) and the bottom rail (75). Rather, it is clear from Abbott et al. that a middle portion of the baserail (70) is positioned against (but not necessarily secured to) a lower portion of the bottom rail (75), and that the upper portion of the baserail (70) is secured to a lower portion of the panel (11) such that the baserail (70) horizontally separates the panel (11) from the bottom rail (75), and such that the baserail (70) is positioned generally horizontally between the panel (11) and the bottom rail (75).

Thus, Applicant respectfully states that independent claim 1 as amended is allowable over Abbott et al. Applicant, thus, respectfully requests reconsideration and allowance of independent claim 1 as amended.

As claims 2 and 3 are both dependent upon independent claim 1, which Applicant states is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 2 and 3. Applicant has made amendments to claims 2 and 3 in view of the amendments made to independent claim 1.

Allowed Claims

Applicant acknowledges with appreciation that claims 4-12 have been allowed.

Newly Added Claims

Claims 21-31 are newly added. Claims 21-31 include the limitations of claims 1-3 and 13-20, respectively, prior to any amendments made thereto in this Amendment.

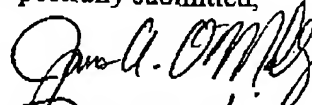
Claims 21-31 are all ultimately dependent upon independent claim 4. As independent claim 4 has been indicated as being allowed by the Examiner, Applicant respectfully requests consideration and allowance of new dependent claims 21-31.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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Serial No.: 10/762,738
Art Unit: 3612